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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,239	09/11/2003	James Ziech	60680-543	5371
7590 04/06/2006 DYKEMA GOSSETT PLLC Suite 300 39577 Woodward Avenue Bloomfield Hills, MI 48304			EXAMINER DUNN, DAVID R	
			ART UNIT 3616	PAPER NUMBER

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,239

Applicant(s)

ZIECH ET AL.

Examiner

David Dunn

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 15-17, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the reply filed January 18, 2006.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (6,491,314) in view of Kittle et al. (5,005,913).

Smith et al. discloses a control arm (518; Figure 48) configured for connection to a frame of said vehicle (see Figure 49) and configured to receive an axle (524), said control arm defining a first sleeve (542) and a second sleeve (588) configured to be received within the first sleeve and about the axis (see also Figure 47). Smith et al. also shows the sleeves being a pair of circumferentially spaced portions, each having a span of 180 degrees.

Smith et al. fails to show the sleeves being tapered.

Kittle teaches a first sleeve (10) for receiving an axle (12), the sleeve having a radially inner surface which tapers (see Figure 5), a second sleeve (14a) is received in the first sleeve and about the axle and has a radially outer surface that tapers complementary to said radially inner surface of the first sleeve. The first sleeve tapers inwardly. The sleeve defines a slot which forms a pair of circumferentially shaped portions (see Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith et al. with the teachings of Kittle et al. to provide tapered sleeves in order to better secure the axle to the control arm.

3. Claims 1-5, 7-14, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. in view of Pitzer (3,009,747).

Smith et al. is discussed above and fails to show the sleeves being tapered.

Pitzer teaches a first tapered sleeve (20) about an axis (28) with a second sleeve (1) received within the first sleeve with a complementary taper. Pitzer also teaches a third sleeve (30) configured to be received within the first sleeve, the third sleeve abutting against a first axial end of the second sleeve (see Figure 6). The sleeve has a slot (see Figures 1-4). Pitzer also shows a fourth sleeve (see second "1" in Figure 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith et al. with the teachings of Pitzer to provide tapered sleeves in order to better secure the axle to the control arm.

Allowable Subject Matter

4. Claims 15-17, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed January 18, 2006 have been fully considered but they are not persuasive.

Applicant argues that the modification of Smith et al. would not have been obvious as it would "defeat the stated purpose of element 588." While the element 588 is an elastomer sheet that allows the axle to articulate somewhat within the beam collar, the examiner maintains that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sleeve to have a tapered shape to better secure the control arm to the axle. The axle is allowed to articulate somewhat due to the elastic nature of the sleeve. However, one of ordinary skill in the art would still recognize that the sleeve should still be securely attached to the axle, and the shape of the tapered sleeve provides an improved secure attachment. The axle does not move because any looseness in the elastic element or between the control arm and the axle, but rather due to the elastic properties of the rubber sheet.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

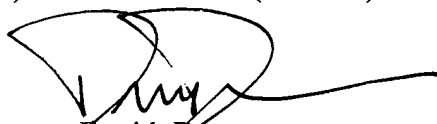
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal flourish extending to the right.

David Dunn
Primary Examiner
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